

110TH CONGRESS
2D SESSION

H. R. 6747

To improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 2008

Mr. LEWIS of Georgia introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the safety of motorcoaches, to allow a credit against income tax for the cost of motorcoaches complying with Federal safety requirements, for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Motorcoach Enhanced Safety Act of 2008”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MOTORCOACH SAFETY

Sec. 101. Definitions.

Sec. 102. Regulations for improved occupant protection and motorcoach crash avoidance.

Sec. 103. Study and report on improved bus crashworthiness and crash avoidance.

Sec. 104. Improved oversight of providers of motorcoach services and of other motor carriers of passengers.

Sec. 105. Motorcoach driver training.

Sec. 106. Improved commercial driver's license testing.

Sec. 107. Improved physical fitness oversight and commercial driver medical certificates.

Sec. 108. Safety enforcement technology to reduce driver fatigue.

Sec. 109. Commercial motor vehicle safety inspection programs.

Sec. 110. Regulations.

TITLE II—CREDIT FOR COST OF MOTORCOACHES COMPLYING WITH FEDERAL SAFETY REQUIREMENTS

Sec. 201. Credit for cost of motorcoaches complying with federal safety requirements.

TITLE III—OTHER PROVISIONS

Sec. 301. Department of Transportation grants.

Sec. 302. Small business administration loans and loan guarantees.

TITLE I—MOTORCOACH SAFETY

SEC. 101. DEFINITIONS.

In this title:

(1) **ADVANCED GLAZING.**—The term “advanced glazing” means glazing installed in a portal on the side or the roof of a motorcoach that is designed to be highly resistant to partial or complete occupant ejection in all types of motor vehicle crashes.

(2) **BUS.**—The term “bus” has the meaning given such term in section 571.3(b) of title 49, Code

1 of Federal Regulations (as in effect on the day be-
2 fore the date of the enactment of this Act).

3 (3) COMMERCIAL MOTOR VEHICLE.—The term
4 “commercial motor vehicle” has the meaning given
5 such term in section 31132(1) of title 49, United
6 States Code.

7 (4) MANUFACTURER.—The term “manufac-
8 turer” has the meaning given such term in section
9 30102(a) of title 49, United States Code.

10 (5) MOTOR CARRIER.—The term “motor car-
11 rier” has the meaning given such term in section
12 13102(14) of title 49, United States Code.

13 (6) MOTORCOACH.—The term “motorcoach”
14 has the meaning given the term “over-the-road bus”
15 in section 3038(a)(3) of the Transportation Equity
16 Act for the 21st Century (Public Law 105–178; 49
17 U.S.C. 5310 note), but does not include the fol-
18 lowing:

19 (A) Buses used in public transportation
20 provided by a State or local government.

21 (B) School buses, including multifunction
22 school activity buses.

23 (7) MOTORCOACH MANUFACTURER.—The term
24 “motorcoach manufacturer” means a manufacturer

1 that manufactures, assembles, or imports motor-
2 coaches for resale in the United States.

3 (8) MOTORCOACH SERVICES.—The term “mo-
4 torcoach services” means passenger transportation
5 by motorcoach for compensation.

6 (9) MULTIFUNCTION SCHOOL ACTIVITY
7 BUSES.—The term “multifunction school activity
8 buses” has the meaning given such term in section
9 571.3(b) of title 49, Code of Federal Regulations (as
10 in effect on the day before the date of the enactment
11 of this Act).

12 (10) PORTAL.—The term “portal” means any
13 opening on the front, sides, rear, or roof of a motor-
14 coach that could, in the event of a crash involving
15 the motorcoach, permit the partial or complete ejection
16 of any occupant from the motorcoach, including
17 a young child.

18 (11) PROVIDER OF MOTORCOACH SERVICES.—
19 The term “provider of motorcoach services” means
20 a motor carrier that provides passenger transportation
21 services with a motorcoach for compensation,
22 including per-trip compensation and contracted or
23 chartered compensation.

24 (12) PUBLIC TRANSPORTATION.—The term
25 “public transportation” has the meaning given such

1 term in section 5302(a)(10) of title 49, United
2 States Code.

3 (13) SAFETY BELT.—The term “safety belt”
4 has the meaning given such term in section
5 153(i)(4)(B) of title 23, United States Code.

6 (14) SECRETARY.—The term “Secretary”
7 means the Secretary of Transportation.

8 **SEC. 102. REGULATIONS FOR IMPROVED OCCUPANT PRO-**
9 **TECTION AND MOTORCOACH CRASH AVOID-**
10 **ANCE.**

11 (a) REGULATIONS REQUIRED 1 YEAR AFTER THE
12 DATE OF THE ENACTMENT OF THIS ACT.—Not later
13 than 1 year after the date of the enactment of this Act,
14 the Secretary shall prescribe regulations as follows:

15 (1) SAFETY BELTS.—The Secretary shall re-
16 quire safety belts be installed in motorcoaches at
17 each designated seating position.

18 (2) ANTI-EJECTION SAFETY COUNTER-
19 MEASURES.—The Secretary shall require
20 motorcoaches have advanced glazing installed in
21 each motorcoach portal to prevent partial or com-
22 plete ejection of passengers of motorcoaches, includ-
23 ing such passengers that are children.

24 (3) FIREFIGHTING EQUIPMENT.—The Secretary
25 shall require installation in motorcoaches of im-

1 proved firefighting equipment for the purpose of ef-
2 fectively suppressing fires in motorcoaches to pre-
3 vent passenger deaths and injuries.

4 (b) REGULATIONS REQUIRED 2 YEARS AFTER THE
5 DATE OF THE ENACTMENT OF THIS ACT.—Not later
6 than 2 years after the date of the enactment of this Act,
7 the Secretary shall prescribe regulations as follows:

8 (1) COMPARTMENTALIZATION SAFETY COUN-
9 TERMEASURES.—The Secretary shall require en-
10 hanced compartmentalization safety counter-
11 measures for motorcoaches, including enhanced seat-
12 ing designs, to reduce substantially the risk of pas-
13 sengers being thrown from their seats and colliding
14 with other passengers, interior surfaces, or compo-
15 nents in the event of a crash involving a motorcoach.

16 (2) INTERIOR IMPACT PROTECTION.—The Sec-
17 retary shall establish enhanced occupant impact pro-
18 tection standards for motorcoach interiors to reduce
19 substantially serious injuries for all passengers of
20 motorcoaches.

21 (3) REDUCED ROLLOVER CRASHES.—The Sec-
22 retary shall require motorcoaches be equipped with
23 stability enhancing technologies, such as electronic
24 stability control, roll stability control, and torque

1 vectoring, to reduce substantially the number and
2 frequency of rollover crashes among motorcoaches.

3 (4) ROOF STRENGTH AND CRUSH RESIST-
4 ANCE.—The Secretary shall establish improved roof
5 standards for motorcoaches that substantially im-
6 prove the resistance of motorcoach roofs to deforma-
7 tion and intrusion to prevent serious occupant injury
8 in rollover crashes involving motorcoaches.

9 (5) ENHANCED CONSPICUITY.—The Secretary
10 shall require enhanced conspicuity of motorcoaches
11 to enable other motor vehicle operators, cyclists, and
12 pedestrians to better detect motorcoaches in order to
13 reduce the risk of collisions involving motorcoaches.

14 (6) SMOKE SUPPRESSION.—The Secretary shall
15 amend Federal motor vehicle safety standard num-
16 ber 302 (49 C.F.R. 571.302; relating to flamma-
17 bility of interior materials) to require realistic tests
18 to improve the resistance of motorcoach interiors
19 and components to burning, prevent inhalation by
20 passengers of toxic smoke and vapors, and permit
21 sufficient time for the safe evacuation of passengers
22 from the motorcoach.

23 (7) RESISTANCE TO FUEL SYSTEM FIRES.—The
24 Secretary shall amend Federal motor vehicle safety
25 standard number 301 (49 C.F.R. 571.301; relating

1 to fuel system integrity) to require that motor-
2 coaches have improved fuel systems in order to sup-
3 press fuel-fed fires and substantially reduce occu-
4 pant deaths and injuries from fuel fires.

5 (8) PASSENGER EVACUATION.—The Secretary
6 shall require motorcoaches be equipped with the fol-
7 lowing:

8 (A) IMPROVED EMERGENCY EVACUATION
9 DESIGNS.—Improved emergency exit window,
10 door, and roof hatch designs to expedite access
11 and use by passengers of motorcoaches to en-
12 sure rapid evacuation from a motorcoach under
13 all emergency circumstances, including crashes
14 and fires.

15 (B) EMERGENCY INTERIOR LIGHTING.—
16 Emergency interior lighting systems, including
17 luminescent or retroreflectorized delineation of
18 evacuation paths and exits, that are triggered
19 by a crash or other emergency incidents to ac-
20 complish more rapid and effective evacuation of
21 passengers.

22 (c) REGULATIONS REQUIRED 3 YEARS AFTER THE
23 DATE OF THE ENACTMENT OF THIS ACT.—Not later
24 than 3 years after the date of the enactment of this Act,
25 the Secretary shall prescribe regulations as follows:

1 (1) ADAPTIVE CRUISE CONTROL.—Require
2 motorcoaches be equipped with adaptive cruise con-
3 trol for maintaining safe trailing distances when un-
4 derway and a collision warning system that provides
5 sufficient advance notice to the operator of a motor-
6 coach of any imminent impact.

7 (2) AUTOMATIC FIRE SUPPRESSION.—Require
8 motorcoaches be equipped with highly effective fire
9 suppression systems that automatically respond to
10 and suppress all fires in such motorcoaches.

11 (d) APPLICATION OF REGULATIONS.—

12 (1) PROSPECTIVE APPLICATION.—Except as
13 provided in paragraph (2), a regulation prescribed in
14 accordance with subsection (a), (b), or (c) shall
15 apply to all motorcoaches that are manufactured on
16 or after the effective date of such regulation.

17 (2) RETROFIT SAFETY REQUIREMENTS FOR EX-
18 ISTING MOTORCOACHES.—

19 (A) IN GENERAL.—(i) Except as provided
20 in subparagraph (B), a regulation prescribed in
21 accordance with subsection (a)(1) shall apply to
22 all motorcoaches used for motorcoach services
23 on or after the effective date of such regulation.

24 (ii) Except as provided in subparagraph
25 (B), a regulation prescribed in accordance with

1 subsection (a)(3) shall apply to all motor-
 2 coaches used for motorcoach services on or
 3 after the effective date of such regulation.

4 (iii) Except as provided in subparagraph
 5 (B), a regulation prescribed in accordance with
 6 subsection (b)(5) shall apply to all motor-
 7 coaches used for motorcoach services on or
 8 after the effective date of such regulation.

9 (B) EXCEPTION.—In the case of a motor-
 10 coach that was used for motorcoach services be-
 11 fore the effective date of a regulation described
 12 in subparagraph (A), such regulation shall not
 13 apply to such motorcoach until—

14 (i) 2 years after the effective date of
 15 such regulation; or

16 (ii) if the Secretary determines that
 17 the application date described in clause (i)
 18 would cause undue hardship, 5 years after
 19 the effective date of such regulation.

20 **SEC. 103. STUDY AND REPORT ON IMPROVED BUS CRASH-**
 21 **WORTHINESS AND CRASH AVOIDANCE.**

22 (a) STUDY.—Not later than September 30, 2008, the
 23 Secretary shall complete a study of the following, with re-
 24 spect to buses that are more than 10,000 pounds gross
 25 vehicle weigh rating (GVWR):

1 (1) Bus safety design improvements and coun-
2 termeasures for improving bus crashworthiness to
3 achieve substantial improvements in occupant pro-
4 tection in all types of crashes, including the fol-
5 lowing:

6 (A) Active and passive restraint systems.

7 (B) Enhanced passenger compartmentali-
8 zation.

9 (C) Upper and lower interior occupant im-
10 pact protection.

11 (D) Improved resistance to roof failures
12 leading to deformation and intrusion that result
13 in occupant injury.

14 (E) Improved resistance to occupant par-
15 tial and complete ejection.

16 (F) Improved crash compatibility with
17 other types and weights of motor vehicles in
18 order to reduce both the number and severity of
19 crashes and the number and severity of occu-
20 pant injuries both in buses and in the other ve-
21 hicles.

22 (2) Crash avoidance improvements to reduce
23 the number and severity of bus crashes, including
24 the following:

25 (A) Collision warning systems.

1 (B) Improved braking capabilities.

2 (C) Enhanced bus conspicuity.

3 (D) Increased resistance to loss-of-control
4 crashes.

5 (E) Improved resistance to rollover crash-
6 es.

7 (3) Bus fire protection and passenger evacu-
8 ation improvements, including the following:

9 (A) Effective emergency exit design.

10 (B) Effective emergency evacuation of pas-
11 sengers.

12 (C) Effective manual and automated fire
13 suppression systems.

14 (D) Increased vehicle resistance to fire
15 propagation, including both exterior and inte-
16 rior resistance to burning.

17 (E) Suppression of toxic smoke and vapors
18 in bus fires.

19 (F) Resistance to bus fuel system fires.

20 (G) Training of bus operators in the use of
21 firefighting equipment and the safe evacuation
22 of passengers.

23 (4) Such other occupant protection safety coun-
24 termeasures as the Secretary considers appropriate.

1 (b) REPORT.—Not later than September 30, 2008,
2 the Secretary shall submit to the Committee on Com-
3 merce, Science, and Transportation of the Senate and the
4 Committee on Energy and Commerce of the House of
5 Representatives a report setting forth the findings of the
6 Secretary with respect to the study required by subsection
7 (a) and recommendations for legislative and regulatory
8 changes.

9 **SEC. 104. IMPROVED OVERSIGHT OF PROVIDERS OF MO-**
10 **TORCOACH SERVICES AND OF OTHER MOTOR**
11 **CARRIERS OF PASSENGERS.**

12 (a) IN GENERAL.—Section 31144 of title 49, United
13 States Code, is amended by adding at the end the fol-
14 lowing:

15 “(h) PERIODIC SAFETY REVIEWS OF PROVIDERS OF
16 MOTORCOACH SERVICES.—

17 “(1) SAFETY REVIEW.—Not later than 3 years
18 after the date of the enactment of this subsection,
19 the Secretary shall require, by regulation, each pro-
20 vider of motorcoach services registered with the Fed-
21 eral Motor Carrier Safety Administration on or after
22 the date of the enactment of this subsection to un-
23 dergo a periodic safety review.

24 “(2) ELEMENTS OF REVIEW.—In the regula-
25 tions prescribed pursuant to paragraph (1), the Sec-

1 retary shall establish the elements of the periodic
2 safety review, including basic safety management
3 controls.

4 “(3) SAFETY FITNESS RATINGS.—As part of
5 the safety review required by this subsection, the
6 Secretary shall assign a safety fitness rating to each
7 provider of motorcoach services and shall reassess
8 such rating not less frequently than every 3 years.

9 “(4) MOTORCOACH SERVICES DEFINED.—In
10 this subsection, the term ‘provider of motorcoach
11 services’ has the meaning provided such term in sec-
12 tion 101 of the Motorcoach Enhanced Safety Act of
13 2008.”

14 (b) REVISION OF SAFETY AUDIT SYSTEM.—Not later
15 than September 30, 2008, the Secretary shall revise the
16 safety fitness audit system of the Department of Trans-
17 portation established pursuant to section 31144 of title
18 49, United States Code, to conform with safety rec-
19 ommendation H–99–6 of the National Transportation
20 Safety Board issued February 26, 1999.

21 **SEC. 105. MOTORCOACH DRIVER TRAINING.**

22 (a) ESTABLISHMENT OF TRAINING CURRICULUM.—

23 (1) IN GENERAL.—Not later than 2 years after
24 the date of the enactment of this Act, the Secretary
25 shall establish, by regulation, a training curriculum

1 for drivers of motorcoaches to be adopted by public
2 and private schools and motor carriers that provide
3 training for drivers of motorcoaches.

4 (2) CURRICULUM REQUIREMENTS.—The train-
5 ing curriculum required by paragraph (1) shall in-
6 clude the following:

7 (A) Classroom and behind-the-wheel in-
8 struction that is adequate for all new drivers of
9 motorcoaches to operate safely motorcoaches
10 and respond effectively to emergency situations.

11 (B) Instruction in advanced knowledge and
12 skills that are necessary to operate motor-
13 coaches safely, including the knowledge and
14 skills necessary—

15 (i) to suppress motorcoach fires; and

16 (ii) to evacuate passengers from mo-
17 torcoaches safely.

18 (b) TRAINING REQUIRED.—

19 (1) IN GENERAL.—The Secretary shall require
20 each motorcoach driver seeking a commercial driv-
21 er's license (CDL) passenger endorsement to under-
22 go a training program that includes the training cur-
23 riculum established pursuant to subsection (a) be-
24 fore taking a test for a commercial driver's license
25 passenger endorsement.

1 (2) CERTIFICATE OF COMPLETION RE-
2 QUIRED.—The Secretary shall require that each
3 driver seeking to take the test for the commercial
4 driver’s license passenger endorsement shall present
5 a certificate to a State licensing authority certifying
6 that the driver has—

7 (A) successfully completed a motorcoach
8 driver training course that includes the cur-
9 riculum established in accordance with sub-
10 section (a); and

11 (B) received a passing grade for an exam-
12 ination at the culmination of such training
13 course.

14 (c) REPORT ON FEASIBILITY OF ESTABLISHING A
15 SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.—
16 Not later than September 30, 2008, the Secretary shall
17 submit to the Committee on Commerce, Science, and
18 Transportation of the Senate and the Committee on
19 Transportation and Infrastructure of the House of Rep-
20 resentatives a report on the feasibility of establishing a
21 system of certification of public and private schools and
22 of motor carriers that provide motorcoach driver training
23 in accordance with the curriculum established by the Sec-
24 retary pursuant to subsection (a).

1 **SEC. 106. IMPROVED COMMERCIAL DRIVER'S LICENSE**
2 **TESTING.**

3 (a) INCREASED STRINGENCY OF EXAMINATION FOR
4 COMMERCIAL DRIVER'S LICENSE PASSENGER-CARRYING
5 ENDORSEMENT.—

6 (1) IN GENERAL.—The Secretary shall pre-
7 scribe standards that improve the quality and strin-
8 gency of the examination for the commercial driver's
9 license passenger-carrying endorsement. Such stand-
10 ards shall require—

11 (A) a more stringent knowledge test than
12 the test in effect on the day before the date of
13 the enactment of this Act; and

14 (B) a more stringent examination of the
15 driving skills necessary to operate safely a com-
16 mercial motor vehicle with passengers than the
17 examination of such skills in effect on the day
18 before the date of the enactment of this Act.

19 (2) COOPERATION.—In prescribing the stand-
20 ards required by paragraph (1), the Secretary shall
21 cooperate with the American Association of Motor
22 Vehicle Administrators.

23 (b) MODIFICATION OF REQUIREMENTS FOR COM-
24 MERCIAL DRIVER'S LICENSE PASSENGER-CARRYING EN-
25 DORSEMENT.—The Secretary shall establish by regulation
26 a requirement that a driver shall have a commercial driv-

1 er's license passenger-carrying endorsement in order to
 2 operate a commercial motor vehicle and transport not less
 3 than 9 and not more than 15 passengers (including a driv-
 4 er) in interstate commerce for compensation.

5 **SEC. 107. IMPROVED PHYSICAL FITNESS OVERSIGHT AND**
 6 **COMMERCIAL DRIVER MEDICAL CERTIFI-**
 7 **CATES.**

8 (a) REQUIRE PASSAGE OF RIGOROUS EXAMINATION
 9 TO BE LISTED IN NATIONAL REGISTRY OF MEDICAL EX-
 10 AMINERS.—Section 31149(c)(1)(D) of title 49, United
 11 States Code, is amended to read as follows:

12 “(D) develop, as appropriate, specific
 13 courses and materials for medical examiners
 14 who wish to be listed in the national registry es-
 15 tablished under this section and develop a rig-
 16 orous examination for which a passing grade
 17 must be achieved to be listed in such national
 18 registry;”.

19 (b) INTEGRATION OF FEDERAL MEDICAL QUALI-
 20 FICATION CERTIFICATE AND COMMERCIAL DRIVER'S LI-
 21 CENSE.—Not later than 2 years after the date of the en-
 22 actment of this Act, the Secretary shall prescribe the regu-
 23 lations required by section 215 of the Motor Carrier Safe-
 24 ty Improvement Act of 1999 (49 U.S.C. 31305 note).

1 (c) MEDICAL EXAMINATION FORM COMPARISONS.—

2 Not later than 2 years after the date of the enactment
3 of this Act, the Secretary shall require by regulation
4 that—

5 (1) each time a medical examiner performs a
6 medical examination to certify an applicant for a
7 commercial driver's license under section 391.43 of
8 title 49, Code of Federal Regulations, such medical
9 examiner shall submit to the appropriate State li-
10 censing agency the form for such examination re-
11 quired by section 391.43(f) of such title (as in effect
12 on the day before the date of the enactment of this
13 Act); and

14 (2) as a condition of approval of a State plan
15 under section 31102(d) of title 49, United States
16 Code (as added by section 109(b)), State licensing
17 authorities compare the forms they receive pursuant
18 to paragraph (1) with the medical examiner's certifi-
19 cate required by section 391.43(g) of title 49, Code
20 of Federal Regulations (as in effect on the day be-
21 fore the date of the enactment of this Act) to deter-
22 mine the accuracy and validity of the information
23 contained in such forms and certificates.

24 (d) ADDITIONAL OVERSIGHT OF LICENSING AU-
25 THORITIES.—

1 (1) IN GENERAL.—Section 31149(c)(1) of title
2 49, United States Code, is amended—

3 (A) in subparagraph (E), by striking
4 “basis; and” and inserting “basis;”;

5 (B) in subparagraph (F), by striking the
6 period at the end and inserting “; and”; and

7 (C) by adding at the end the following:

8 “(G) each year, review the licensing au-
9 thorities of 10 States to assess the accuracy
10 and validity of physical examination reports and
11 medical certificates submitted by certified med-
12 ical examiners to such State licensing agen-
13 cies.”.

14 (2) INTERNAL OVERSIGHT POLICY.—

15 (A) IN GENERAL.—Not later than 2 years
16 after the date of the enactment of this Act, the
17 Secretary shall establish an oversight policy and
18 process within the Department of Transpor-
19 tation for purposes of carrying out the require-
20 ment of subparagraph (G) of such section
21 31149(c)(1), as added by paragraph (1).

22 (B) EFFECTIVE DATE.—The requirement
23 of subparagraph (G) of section 31149(c)(1) of
24 title 49, United States Code, shall take effect
25 on the date that the oversight policies and proc-

1 esses are established pursuant to subparagraph
2 (A).

3 (e) DEADLINE FOR ESTABLISHMENT OF NATIONAL
4 REGISTRY OF MEDICAL EXAMINERS.—Not later than 1
5 year after the date of the enactment of this Act, the Sec-
6 retary shall establish the national registry of medical ex-
7 aminers required by section 31149(d)(1) of title 49,
8 United States Code.

9 (f) ADDITIONAL FUNCTION OF MEDICAL REVIEW
10 BOARD.—Section 31149(a)(1) of title 49, United States
11 Code, is amended to read as follows:

12 “(1) ESTABLISHMENT AND FUNCTION.—The
13 Secretary of Transportation shall establish a Medical
14 Review Board with the following functions:

15 “(A) Providing the Federal Motor Carrier
16 Safety Administration with medical advice and
17 recommendations on medical standards and
18 guidelines for the following:

19 “(i) The physical qualifications of op-
20 erators of commercial motor vehicles.

21 “(ii) Medical examiner education.

22 “(iii) Medical research.

23 “(B) Providing the Secretary with advice
24 and recommendations concerning the criteria to
25 be used for evaluating medical examiners for

1 admission to the national registry established
2 under this section.”.

3 **SEC. 108. SAFETY ENFORCEMENT TECHNOLOGY TO RE-**
4 **DUCE DRIVER FATIGUE.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Secretary shall pre-
7 scribe regulations requiring that all commercial motor ve-
8 hicles used by a motor carrier in interstate commerce be
9 equipped with electronic on-board recorders linked with
10 vehicle engine functions and electronic control modules
11 that accurately record commercial driver hours of service
12 and provide real-time tracking of driver and vehicle loca-
13 tion.

14 (b) APPLICABILITY.—The regulations prescribed
15 under subsection (a) shall apply to all commercial motor
16 vehicles used by motor carriers in interstate commerce be-
17 ginning on the date that is 3 years after the date of the
18 enactment of this Act.

19 **SEC. 109. COMMERCIAL MOTOR VEHICLE SAFETY INSPEC-**
20 **TION PROGRAMS.**

21 (a) IN GENERAL.—Section 31142 of title 49, United
22 States Code, is amended by striking subsections (a) and
23 (b) and inserting the following:

24 “(a) ANNUAL SAFETY INSPECTION PROGRAM.—

1 “(1) PROGRAM REQUIRED.—In order to receive
2 a grant pursuant to section 31102 of this title, a
3 State shall carry out an annual safety inspection
4 program for commercial motor vehicles, including
5 motor carriers transporting not less than 9 and not
6 more than 15 passengers (including a driver), that
7 receives approval from the Secretary pursuant to
8 paragraph (3).

9 “(2) INSPECTION OF SAFETY EQUIPMENT.—A
10 commercial motor vehicle inspected under a program
11 established pursuant to paragraph (1) is required to
12 pass an inspection of all safety equipment required
13 under the regulations prescribed under section
14 31136 of this title.

15 “(3) PERIODIC REVIEW OF STATE SAFETY IN-
16 SPECTION PROGRAMS.—Not less frequently than
17 once every 3 years, the Secretary shall review and
18 approve or disapprove each safety inspection pro-
19 gram established pursuant to paragraph (1).

20 “(b) REGULATIONS FOR INSPECTION OF VEHICLES
21 AND RECORD RETENTION.—

22 “(1) IN GENERAL.—The Secretary shall pre-
23 scribe regulations on Government standards for—

1 “(A) inspection of commercial motor vehi-
2 cles under programs established pursuant to
3 subsection (a); and

4 “(B) retention by employers of records of
5 such an inspection.

6 “(2) AUTHORITY.—Regulations prescribed
7 under this subsection are treated as regulations pre-
8 scribed under section 31136 of this title.”.

9 (b) CONDITION ON STATE GRANTS.—Section
10 31102(d) of such title is amended to read as follows:

11 “(d) CONTINUOUS EVALUATION OF PLANS.—

12 “(1) IN GENERAL.—On the basis of reports
13 submitted by a State motor vehicle safety agency of
14 a State with a plan approved under this section and
15 the Secretary’s own investigations, the Secretary
16 shall make a continuing evaluation of the way the
17 State is carrying out the plan. If the Secretary finds,
18 after notice and opportunity for comment, the State
19 plan previously approved is not being followed or has
20 become inadequate to ensure enforcement of the reg-
21 ulations, standards, or orders, the Secretary shall
22 withdraw approval of the plan and notify the State.

23 “(2) APPROVAL OF ANNUAL COMMERCIAL
24 MOTOR VEHICLE INSPECTION PROGRAMS.—If, under
25 paragraph (3) of section 31142(a) of this title, the

1 Secretary disapproves of an annual safety inspection
2 program of a State established pursuant to para-
3 graph (1) of such section 31142(a), the Secretary
4 shall withdraw approval of the plan of such State
5 and notify the State.

6 “(3) EFFECTIVE DATE OF PLAN DIS-
7 APPROVAL.—A State plan stops being effective
8 under this subsection when notice is received by the
9 State under this subsection.

10 “(4) JUDICIAL REVIEW.—A State adversely af-
11 fected by a withdrawal of approval under this sub-
12 section may seek judicial review under chapter 7 of
13 title 5.

14 “(5) RETENTION OF JURISDICTION.—Notwith-
15 standing a withdrawal of approval under this sub-
16 section, the State may retain jurisdiction in adminis-
17 trative or judicial proceedings begun before the with-
18 drawal if the issues involved are not related directly
19 to the reasons for the withdrawal.”.

20 (c) EFFECTIVE DATE.—The amendments made by
21 this section shall take effect 1 year after the date of the
22 enactment of this Act.

1 **SEC. 110. REGULATIONS.**

2 Any standard or regulation prescribed or modified
3 pursuant to this title shall be done in accordance with sec-
4 tion 553 of title 5, United States Code.

5 **TITLE II—CREDIT FOR COST OF**
6 **MOTORCOACHES COMPLYING**
7 **WITH FEDERAL SAFETY RE-**
8 **QUIREMENTS**

9 **SEC. 201. CREDIT FOR COST OF MOTORCOACHES COM-**
10 **PLYING WITH FEDERAL SAFETY REQUIRE-**
11 **MENTS.**

12 (a) IN GENERAL.—Subpart D of part IV of sub-
13 chapter 1 of the Internal Revenue Code of 1986 (relating
14 to business-related credits) is amended by inserting after
15 section 45P the following new section:

16 **“SEC. 45Q. CREDIT FOR COST OF MOTORCOACHES COM-**
17 **PLYING WITH FEDERAL SAFETY REQUIRE-**
18 **MENTS.**

19 “(a) IN GENERAL.—For purposes of section 38, the
20 qualified motorcoach safety credit determined under this
21 subsection for any taxable year is an amount equal to 10
22 percent of the aggregate amount paid or incurred by the
23 taxpayer during the taxable year for—

24 “(1) qualified new motorcoaches, and

25 “(2) such improvements to any in-service mo-
26 torcoach which is used by the taxpayer as are nec-

1 essary for such motorcoach to satisfy the require-
 2 ments prescribed under section 102 of the Motor-
 3 coach Enhanced Safety Act of 2008.

4 “(b) LIMITATION.—The credit determined under sub-
 5 section (a) with respect to any motorcoach shall not exceed
 6 \$45,000.

7 “(c) QUALIFIED NEW AND IN-SERVICE
 8 MOTORCOACHES.—For purposes of this section—

9 “(1) QUALIFIED NEW MOTORCOACH.—The term
 10 ‘qualified new motorcoach’ means any motorcoach—

11 “(A) the original use of which commences
 12 with the taxpayer,

13 “(B) which is acquired for use or lease by
 14 the taxpayer and not for resale,

15 “(C) which is property of a character sub-
 16 ject to an allowance for depreciation,

17 “(D) which is made by a manufacturer,

18 “(E) which is manufactured after the spec-
 19 ified effective date, and

20 “(F) which meets the requirements pre-
 21 scribed under section 102 of the Motorcoach
 22 Enhanced Safety Act of 2008.

23 “(2) IN-SERVICE MOTORCOACH.—The term ‘in-
 24 service motorcoach’ means any motorcoach—

1 “(A) which is property of a character sub-
2 ject to an allowance for depreciation, and

3 “(B) which is manufactured on or before
4 the specified effective date.

5 “(d) OTHER DEFINITIONS AND SPECIAL RULES.—
6 For purposes of this section—

7 “(1) MOTORCOACH.—The term ‘motorcoach’
8 means any vehicle to which the requirements pre-
9 scribed under section 102 of the Motorcoach En-
10 hanced Safety Act of 2008 apply, or would apply if
11 such vehicle were manufactured after the specified
12 effective date.

13 “(2) SPECIFIED EFFECTIVE DATE.—The term
14 ‘specified effective date’ means the effective date of
15 the regulation prescribed under section 102(a)(1) of
16 the Motorcoach Enhanced Safety Act of 2008.

17 “(3) BASIS REDUCTION.—The basis of any
18 property for which a credit is determined under sub-
19 section (a) shall be reduced by the amount of the
20 credit so determined.

21 “(4) RECAPTURE.—The Secretary shall, by reg-
22 ulations, provide for recapturing the benefit of any
23 credit determined under subsection (a) with respect
24 to any property which ceases to be property eligible
25 for such credit.

1 “(5) PROPERTY USED OUTSIDE UNITED
2 STATES, ETC., NOT QUALIFIED.—No credit shall be
3 determined under subsection (a) with respect to—

4 “(A) the portion of the cost of any prop-
5 erty taken into account under section 179, or

6 “(B) any property referred to in section
7 50(b).

8 “(6) ELECTION NOT TO TAKE CREDIT.—No
9 credit shall be determined under subsection (a) for
10 any vehicle if the taxpayer elects to not have this
11 section apply to such vehicle.

12 “(e) TERMINATION.—No credit shall be determined
13 under this subsection for any taxable year ending after
14 December 31, 2026.”.

15 (b) DENIAL OF DOUBLE BENEFIT.—Section 280C of
16 the Internal Revenue Code of 1986 is amended by adding
17 at the end the following new subsection:

18 “(g) CREDIT FOR COST OF MOTORCOACHES COM-
19 PLYING WITH FEDERAL SAFETY REQUIREMENTS.—No
20 deduction shall be allowed for that portion of the expenses
21 otherwise allowable as a deduction for the taxable year
22 which is equal to the amount of the credit determined for
23 the taxable year under section 45O(a).”.

24 (c) CONFORMING AMENDMENTS.—

1 (1) Section 38(b) of the Internal Revenue Code
 2 of 1986 is amended by striking “plus” at the end of
 3 paragraph (32), by striking the period at the end of
 4 paragraph (33) and inserting “, plus”, and by add-
 5 ing at the end the following:

6 “(34) the qualified motorcoach safety credit de-
 7 termined under section 45Q(a).”.

8 (2) Section 1016(a) of such Code is amended
 9 by striking “and” at the end of paragraph (35), by
 10 striking the period at the end of paragraph (36) and
 11 inserting “, and”, and by adding at the end the fol-
 12 lowing new paragraph:

13 “(37) to the extent provided in section
 14 45Q(d)(3).”.

15 (3) Section 6501(m) of such Code is amended
 16 by inserting “45Q(d)(6),” after “45H(g),”.

17 (4) The table of sections for subpart D of part
 18 IV of subchapter A of chapter 1 of such Code is
 19 amended by inserting after the item relating to sec-
 20 tion 45P the following new item:

“Sec. 45Q. Credit for cost of motorcoaches complying with Federal safety re-
 quirements.”.

21 (d) EFFECTIVE DATE.—The amendments made by
 22 this section shall apply to taxable years ending after De-
 23 cember 31, 2008.

1 **TITLE III—OTHER PROVISIONS**

2 **SEC. 301. DEPARTMENT OF TRANSPORTATION GRANTS.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall develop and administer supplemental grants, not to
5 exceed \$20,000, for operators of motorcoaches in order to
6 assist with the cost of retrofitting motorcoaches in order
7 to comply with the Federal motor vehicle safety standards
8 prescribed under section 102 of the Motorcoach Enhanced
9 Safety Act of 2008.

10 (b) ELIGIBILITY.—To be eligible for a grant estab-
11 lished under subsection (a), a motorcoach operator shall—

12 (1) have a fleet of not more than 25 motor-
13 coaches;

14 (2) have total annual revenue of less than
15 \$5,000,000; and

16 (3) demonstrate to the Secretary that—

17 (A) the operator has been in business as
18 an over-the-road motorcoach operator for not
19 less than 3 consecutive years; and

20 (B) that the operator was unable to re-
21 cover, through allowed tax credits established
22 under section 201 in a consecutive 2 year pe-
23 riod, the full cost of retrofitting motorcoaches
24 in order to comply with the applicable Federal
25 motor vehicle safety standards.

1 (c) GRANT REQUIREMENTS.—A grant under this sec-
 2 tion shall be subject to all of the terms and condition ap-
 3 plicable to subrecipients who provide intercity bus trans-
 4 portation under section 5311(f) of title 49, United States
 5 Code, and such other terms and conditions as the Sec-
 6 retary may prescribe.

7 **SEC. 302. SMALL BUSINESS ADMINISTRATION LOANS AND**
 8 **LOAN GUARANTEES.**

9 Section 7(a) of the Small Business Act (15 U.S.C.
 10 636(a)) is amended by adding at the end the following:

11 “(34) MOTORCOACHES.—In carrying out this
 12 subsection with respect to the over-the-road motor-
 13 coach industry, the following shall apply:

14 “(A) The Administrator shall adopt under-
 15 writing criteria specific to that industry.

16 “(B) The Administrator shall make avail-
 17 able the assistance under this subsection to
 18 members of that industry to facilitate retro-
 19 fitting of motorcoaches for occupant protection.

20 “(C) Multiple motorcoaches shall be treat-
 21 ed as a single source of collateral.

22 “(D) A member of that industry who owns
 23 a single motorcoach shall be treated as eligible
 24 for such assistance, without regard to whether

1 the member otherwise meets the applicable size
2 standard for eligibility.

3 “(E) The Administrator shall provide any
4 applicant who is a member of that industry
5 with counseling and advice regarding the other
6 assistance programs of the Administration that
7 may be available to members of that industry.”.

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